

CLARK COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARING – 3500 ACRE REMAND
JULY 29, 2003

The Board convened in the meeting room of Fire District #3, 17718 NE 158th, Brush Prairie, Washington. Commissioners Morris and Pridemore, Chair, present.

PRIDEMORE: Good evening. I'd like to call this meeting of the Clark County Board of Commissioners for July 29th to order. Our issue before us this evening is the 3500-Acre Remand from the Washington State Growth Management Hearings Board. Apologize up front for the absence of Commissioner Stanton. She is out ill and hopefully will be back in next week. But she won't be here this evening. It will be Commissioner Morris and myself. I'd like to begin this evening with the pledge of allegiance, if you'd all please join us.

(PLEDGE OF ALLEGIANCE)

PRIDEMORE: I know Mr. Lowry is getting tired of doing an introduction to this issue, but I'd like to ask him to go ahead and give us that for the benefit of everybody who may not have heard it previously. Mr. Lowry?

RICH LOWRY: I don't think there is anybody who hasn't heard it previously. [Laughs]
Rich Lowry, County Prosecutor's Office. Brief overview in terms of how we got here: The 1994 Comprehensive Plan included 35,000 acres in an Agri-forest designation. That was probably the most litigated part of the '94 Plan. It was upheld by the Hearings Board, but a year and a half later that holding was overturned by Judge Poyfair who concluded that the Hybrid Agri-forest Designation was not authorized by the Growth Management Act, that the record didn't support a resource designation, and that the designation violated GMA's public participation requirements because the designation itself occurred at the eleventh hour of the planning process. The Board, in response, appointed a thirteen-member advisory panel – highly diverse panel – basically split into four members who were relatively property rightists, three members who were relatively environmentalists and four members who were sort of centrists. The Task Force got bogged down. Commissioner Morris then gave a dynamite charge – what attorneys would call a dynamite charge, telling them to try to read 75% consensus. If they could not do so, then the Board would have to make the decision without the benefit of their recommendation. If they were, then it was highly likely the Board of Commissioners would honor their recommendation. The Task Force ultimately was able to come to consensus on most of the 35,000 acres; however shortly before their recommendation was heard by the Planning Commission, the four members who intended to be property rightists issued a minority report in which that group concluded that in order to meet the characterization of resource land, the land had to be in resource use. Much of the 35,000 acres was not. The three-member environmental – these are my characterizations, not their's – environmental members of the panel then issued its own Minority Report in which it also backed away from the panel's recommendation and insisted that there were 3,500 acres that should have been recommended for resource designation. The Planning Commission accepted the first Minority Report. The Board rejected both and worked off of the thirteen-member panel Consensus Report. The Board

spent long hours going through 127 site-specific requests that had been received; however, the Board only ended up making twelve changes of the original 35,000 acres though the 200 were designated resource. However, it was during this process that the Board created the Rural 10 and 20 designations, and many of the formerly Agri-forest designated properties were placed in Rural 10 and 20 designations.

Shortly following the Board's decision, the State Supreme Court came down with what is called the Redmond Decision in which the Court indicated that the statutory requirement – that resource land be devoted to resource use did not mean that it had to be in resource use, but instead meant that it was actually used or capable of being used for resource purposes. The Hearings Board remanded the 3,500 acres that had been recommended by – in the second Minority Report on the basis that the Redmond Decision clarified what in fact was necessary in order to receive the resource designation and that the County process may have been infected by a misunderstanding in that regard.

The Hearings Board decision was also challenged by Clark County Citizens United based upon – challenged that portion of the decision that concluded that commercial viability was not a proper consideration in determining whether or not the designated resource land had long-term commercial significance. Specifically, the Hearings Board said “to the extent that potential for commercial gain” – excuse me, to quote from the Court – the Court said, “to the extent that potential for commercial gain is reflected in the term ‘commercial viability’ and to the extent such concept affects land valuation and other factors set out expressly in the Redmond Decision, such concept may be considered in the designation of whether or not land has long-term commercial significance.”

My final comment is the Hearings Board made it clear that in undertaking this designation process we're doing it, or supposed to be doing it, on an area-wide basis and not a parcel-specific basis. However, given the nature of this remand where we have properties that are scattered throughout the county, it is very difficult to deal with this on an area-wide basis, and I think you'll find that much, if not most of the testimony received, is very parcel specific.

PRIDEMORE: Questions? Comments? All right, the Board has previously held a hearing regarding us taking testimony. Our purpose and hope for this evening is that we'll take additional testimony, and then assuming that that testimony doesn't go too late, we'll proceed with deliberations and hopefully leave this evening with direction to Staff about the direction that we want to move forward with the decisions. I've got a number of people who have already signed up. If you haven't signed up and would like to, please do so. I'll go through the list. We've got a lot of folks who've indicated they do want to testify. Some have indicated they don't, some haven't indicated, and some of them maybe. So what I'll do is I'll call off all of the yeses and the maybes, and at the end we'll open it up for anybody who wants to make comments who we haven't called. Let's begin this evening with John Karpinski.

JOHN KARPINSKI: Thank you. My name is John Karpinski. I'm here on behalf of Clark County Natural Resources. Tonight I'm here to support the Staff's recommendations as a compromise, and I want to emphasize that it is a compromise. It's a Solomon-eske, split-the-baby-in-half kind of proposal. But it is time to put this acre – this issue and these acres to rest. We've been wrestling over this issue for

about ten years now and I think that it's time to get some closure on that. And the best way in my mind at least to get closure on this is to do what the law says we should do regarding these parcels, which I think is at minimum designation of what the staff says, or more, but I'm willing to accept that as a compromise. Know that the Growth Board decision was two to one with the minority decision saying another 7,000 acres of resource land should have been designated. What I'm doing is just basically going back to the Redmond Case and talking about the Redmond Case because – that's at 136 Washington Second 38, 1998 case – and let's just go through the criteria, because that's ultimately what everybody's going to end up doing is going back to what the Court said and comparing what we're doing here and seeing how they match up. The issue in that case was, was there long-term commercial significance? And you might hear discussions about that tonight. Under the statute, under state law, under Growth Management Act, there are five criteria, which are: growing capacity, which is essentially soils; productivity, which is to me, soils; soil composition, which is soils; proximity to population areas; and the possibility of more intense uses of the land.

Well, most of these parcels that I'm seeing – or many of these parcels that I'm seeing – really have...are really good for soil types. I saw a Columbian editorial that said, "well, we aren't talking about prime lands here." Well obviously they haven't read the Staff's report because there are a lot of prime lands here, and in a minute I'm going to go through some of the ones that were rejected just to give you an idea of the quality of the soils here. And I haven't seen, and maybe somebody can correct me, but for the most part these are not in proximity to any kind of urban area. So really you have the soils criteria – and then what the Staff did in coming up with the criteria, they said, "Let's look at parcelization. Let's use parcelization as what looks like the main criteria for deciding if these are in or out." Well if you look in – going back into the Redmond case, it gives you those five elements. One, the last one, is the possibility of a more intense use of the land. Okay that, under the Washington Administrative Code, has ten sub-issues. One of those sub-issues is predominant parcel size. So parcelization, which is in my mind the main county criteria used to say "in or out," is – I look at things simplistically – 2% of what we're supposed to be looking at. Because if it's one-tenth of one-fifth, if my math is correct, we're talking 2%. Yet that was, at least in my mind, the key county criteria for determining parcelization. A lot of the other criteria's talk about an intensity of use, but a lot of these lands have been sub-divided around it, but have not been built on. And there isn't a lot of discussion about the statutory criteria. There is a lot about parcelization. So, let's look at some of the parcels that were rejected just to show the quality of things.

First of all, state land – and I'm looking at Exhibit B2, which is the, everything-altogether-Exhibit. Exhibit B2, state land: There's about 40 acres of land at 75% in forest cover. It's 100% prime-AG soils. It's 99-point-something percent prime forest land. It's currently in a forestry operation designated for resource...not designated for resource – designated Rural 10. The next one: 40-acre parcel, it is – I'm sorry – I'm getting – reading these are more difficult – 90% AG, 51% prime forest soils, getting the current use taxation, and has been designated rural and not resource. Going down to the bottom of the page, there's four parcels that are all between 20 and 40 acres of land, all with 100% prime forest soils, all getting the statutory tax credit, none of them designated as resource land. Second page, it really goes on more of the same. More state land, 80-acre parcel, about 180% cumulative resource land in a forestry operation, zoned rural. Even Longview Fiber Company – this is at the top of page four – has a

70-acre parcel, 100% prime forest soils, getting the taxation credit for it, zoned rural. There's one, two, three, four, five, six, seven, eight more criteria – eight more parcels on that page that have – are 80-90% prime soils or more, and are in a tax – you know getting the tax credits, 20-acre parcels or larger, not recommended for resource use. And the list goes on and on like that. I would say – my rough math says probably about 90% of the parcels, in my mind, meet the legal criteria of the Redmond test, which is growing capacity, productivity, soil composition, proximity to population area, and the possibility of more intense uses, and with that looking at the ten factors from the WAC.

So, we all desperately want to get this thing done. And we know that this is a hard issue, and when I show up on my land-use issues with a bunch of angry neighbors supporting my position, the county looks at me and says, "Well, Mr. Karpinski," you know, "we understand there's concerned neighbors, but we have to follow the law here." All I'm asking is that you apply the same standard here, look at this. This is really a compromise of a compromise of a compromise to take this Staff's recommendations. I'm willing to accept it just to get this done, although I think the facts show probably 90% of this land should be designated, and it's time to put this issue to rest. I know it's a tough issue. I know it's an emotional issue. But if you look at the legal criteria in the way that I did, I don't see how you can draw any other conclusions. Thank you very much.

MORRIS: I do have questions. Mr. Karpinski, are you here tonight on behalf of Clark County Natural Resources Council?

KARPINSKI: Yes.

MORRIS: Well, Clark County Natural Resources Council has obviously cost the taxpayers of this county hundreds of thousands of dollars in legal work as well as private property owners who have found themselves needing to defend themselves in court. And I was just wondering if you could tell us a little bit about Clark County Natural Resources Council. Do you have a Board of Directors, and do you have elected officers? How large is your membership, and do they pay dues? And do you have any kind of formal staff support? Do you have by-laws? Are you a 501(c)3? You used to do a newsletter and that kind of faded away. We haven't seen that, so I wonder if you might just tell us a little bit about yourself?

KARPINSKI: Okay. We're a Washington State non-profit corporation. We are not 501(c)3, which is a federal tax designation. Our newsletter has been somewhat sporadic. Since the newsletter editor resigned, I have to do it in my copious free time, and I don't have a lot of copious free time. We do have an elected Board. I do somewhat object to the characterization that we've somehow cost the county hundreds of thousands of dollars. Most of the time CCNRC sues we win, and to me if the county hadn't, with all due respect, done it wrong to begin with, we wouldn't be in a position of having to take these appeals. So, you know, as long as we keep winning, I'm not really concerned about the expense. If you're concerned about the expense, with all due respect, you would have done it right to begin with.

MORRIS: No, I was actually concerned about your organization. Do you have bi-laws that are on file with the State as part of your corporate standing?

KARPINSKI: I think all the articles of the corporation are on file, and I don't believe they do the bi-laws.

MORRIS: And those would name your Officers, I believe?

KARPINSKI: Yes.

MORRIS: Okay. Thank you. Then we could get those from the Secretary of State's Office? They are retrievable?

KARPINSKI: Yes.

MORRIS: And there's a mailing address?

KARPINSKI: Yes.

MORRIS: And everything else on there?

KARPINSKI: Yes.

MORRIS: Thank you.

KARPINSKI: Thank you.

PRIDEMORE: Fred West?

FRED WEST: No Comment.

PRIDEMORE: Sure. Tom Armstrong?

TOM ARMSTRONG: Good evening, Commissioners and citizens. Tom Armstrong. I'm from Battleground. I was in this, oh started with the process probably with the GMA probably in the early 90's. Had a petition, number four out of the sixty-five-odd petitions filed with the State Hearings Board. I believe Clark County had the largest number of petitions of any county with this GMA process. I'm sure you'd like to increase citizen participation? I just came off of a Freeholder's Board drafting a charter and if we could find three or four new people show up it would be surprising. Citizens don't participate. We're too busy. We're confused. Why the – why, now a level of government called the Growth Management Hearings Board that was not here a few years ago, Supreme Court Decisions of the State, John's ability to be a professional and be involved in this, completely absorbed in this. I'm here tonight to kind of open the door to more citizen participation. What the state law gives us is kind of

an equal importance of the citizen to give input. And from RCW.3670-A, it says, "Citizen Participation and Coordination – Encourage the involvement of citizens in the planning process." And most of the times we're reacting to what's coming on. You may say, "Well, you've been notified." Well, how many citizens are showing up to meetings? They're not – probably a fraction of percent of people – maybe one tenth of one percent sometimes. So, my point of being here tonight is to recommend citizen participation equal somewhat with the planning process as the RCW says. I think we have that ability to participate.

This is a letter to the County Commissioners: "I request that two volunteer citizen observation positions be established at the Department of Community Development. These citizens can observe all Staff meetings, review Staff planning, work schedules pertaining to the Growth Management Act." These are non-assigned, open invitations for two random citizens to observe land-use development planning. We pay for the process. We have a budget now of 195 million dollars for this county, this excluding the cities of Battleground and Vancouver. It's very expensive."

PRIDEMORE: Mr. Armstrong, I'd appreciate if you'd speak to us. It's kind of difficult to hear you.

MORRIS: I'm sorry, there's no camera up here. We know that, but nonetheless if you could testify to us.

ARMSTRONG: So it's a great financial burden. Our population has increased. The county budget, since I think '91, has jumped from 54 million—or was it '87? – 54 million to this 195 million dollar figure. We should have these citizens opening the doors to the Planning Department and feel welcome. We can work out the details with the Director of Planning for these citizens to at least see what's going on from the very onset instead of reacting somewhat too late in the process to make any change. Thank you.

PRIDEMORE: Thank you. George Wiebold?

GEORGE WIEBOLD: Pass.

PRIDEMORE: Alan Schumacher?

ALAN SCHUMACHER: All Commissioners. Some of this is – I've probably turned in before, but my ideas are still the same. I'm Alan Schumacher. I farm 300 acres in the Heisson area of north central Clark County. First of all, let me say that my reason for being here this evening is not because I want to subdivide my farm. Had that been my goal it would have been done many years ago. My reason for being here is to try in some small way to resist the kind of tyranny and mindless government that drove my great grandparents from Europe many years ago. They came to this country, a land of opportunity, where common people could own land; at that time had constitutionally guaranteed property rights.

The letter of February 10th we received from your office was very upsetting to us. The three parcels of our property that your staff is proposing to drastically down-zone are the very same parcels that we

went through a long and exhaustive analysis in the Agri-forest hearing several years ago. These parcels, originally zoned rural estate 2½ acres, then down-zoned to Agri-forest 20, were finally deemed to not meet the requirements of AG land of long-term commercial significance, and so were zoned RE-5 and 10. They are composed of class 3 to 5 heavy, clay, shallow, poorly drained, infertile soils (inaudible) that are very difficult to farm. They'll only support low-value grass and grain crops that are nearly impossible to show a profit out here in Clark County. These parcels are land-locked and surrounded on three sides by small lot developments. They are also served by public water. I believe the only reason they have been targeted is because they are in current use and are large lots. This alone does not qualify them for AG-zoning the way I read the Growth Management Act. It seems Judie Stanton reads the requirements of the Growth Management Act for designating resource lands just the same as I do. She is quoted in the Sunday Columbian as saying that "These lands now in question wouldn't meet the requirements of her proposed purchase of development rights program because of their poor quality soils and close proximity to housing developments. These same problems also disqualify them as resource lands." So, why are we here tonight? And why has all this money been wasted once again? People driving by my farm see pretty red barns and pretty fields. What they don't see is the shallow soil and wet spots that dictate what can be grown and when farming can be done. They see pretty green crops, but don't see the cost and the large amount of fertilizer it took to make them that way. Then, finally they see a beautiful, golden-ripe crop and think of a bountiful harvest, but they don't see the poor quality and low yield caused by the normal summer heat and thin soil with low moisture-holding capacity. And that's particularly true this year. We've been able to make a modest living on this farm only because we put together enough acres years ago at lower prices and carry no debt on land or machinery. It produces absolutely no return on investment and will not pay the depreciation on modern machinery. Would any of you buy and operate a business like that? We were also able to subsidize it for years by renting better land close by. This is no longer an option as that land is now built into houses. And my partner/helpmate of 40 years, the love of my life, passed away on the 28th of February, leaving me to care for this entire place alone. I served on the original Agri-forest Task Force and remember spending a lot of time determining the proper zoning for all these parcels. This 3,500 acres was not selected by the Growth Management Hearings Board, but I believe was submitted in the Minority Report by a few radical preservationists, who at that time called themselves the Clark County Rural Preservation Association.

I have no problem zoning it if it's fairly done and protects the current property values. In fact, many of us farmers tried to get it done years ago when it would have protected our way of life and would not have impacted our property values. However, it would have been done simply for us at that time and we had no political clout, so it wasn't done. Now when there's very few of us left, each farm is an island unto itself with no room to expand. Farm commodity prices are stuck in the 1960's and with grossly inflated input costs that reduce us to near serfdom, there's great pressure to drastically reduce the value of our land and timber with restrictive resource zoning and overly-wide creek buffers. I believe this is being done illegally simply to preserve a few pastoral views and not to preserve commercial farm infrastructure, which you all know no longer exists in this county. Large-lot zoning simply to create and preserve open space is not valid under the Growth Management Act.

I've lost thousands of dollars of timber to creek buffers this past year with no acceptable compensation. Now you're proposing to steal many thousands more worth of property value from me again, illegally, with no compensation. I ask you, how can a government depend on its citizens to continue to be law-abiding and pay taxes honestly and on time and that very government illegally and arbitrarily steals huge sums from these very citizens. If I were one of you Commissioners I'd be ashamed to even have considered this kind of land grab. If the government or these preservationist groups want to keep these lands open, they need simply to buy them at market prices when and if they are offered for sale. That's the American way and the way we've had to do. We as a country have fought many bitter, bloody wars to preserve these rights against despots who thought they could steal, rather than purchase, what they wanted. Twenty-acre zoning won't save commercial farms in Clark County. It simply penalizes those few of us who have voluntarily lived a modest lifestyle in order to work and maintain our farms. It may actually backfire on you as we may be forced to break up our entire farms and sell them in order to recover from the financial setback, or pay estate taxes simply because we have no small lots to sell. I don't believe in farm subsidies and I accept no financial help from the government. I care for my 300-acre farm at no cost to the taxpayer, and so finally, I'd ask you to leave our property values and our zoning alone, and we'll continue to provide those pretty red barns and pastoral views you all desire as long as we possibly can. Our track record of 114 years of farming in the Heisson area of Clark County proves that. Thank you.

PRIDEMORE: Appreciate it. Clara Jane Holcomb?

CLARA JANE HOLCOMB: I'm Clara Jane Holcomb, PO Box 2246, Battleground. You have previously received this letter. I just changed our address and added the map 25 to it. We request that our 80 acres –

MORRIS: – Excuse me.

HOLCOMB: – Yes?

MORRIS: Bob, could you tell us which piece we're talking about, either on the map or on our spreadsheets?

HOLCOMB: It's map number 25.

MORRIS: We didn't get to 25. We only go to map number 5.

PRIDEMORE: It's Area 25 – Map 5, Area 25.

STAFF: It's – yeah. Map 5 Area 25, about the very last one on the list.

MORRIS: Sorry to interrupt. Thank you.

HOLCOMB: We request that our 80 acres of land be kept in R-10. Please see map number 25. The legal description is the south half of the southwest corner of Section 34, Township 5 North, Range to east of the Willamette Meridian, Clark County, Washington; Parcel number 266761000, File 740318. There is only one corner of the property that is adjacent to another Agri-forest parcel and all the other parcels around it are smaller, many with homes already on them. Enclosed is a map showing homes that have been built along the south side of the property. Homes indicated on the map were built in 1997, 1996, 1994, '95, '68, '93, 1999, 2002, 1993 and 1997. PUD water is already on the property. We have had the land for 27 years and had it leased out most of the time. The income hardly meets the cost of weed spray and property tax. The present tenant has one more year on his lease, and after that we were planning to develop the land to finance our retirement. Putting the land in 40-acre parcels would cause a financial hardship, as the value of the land would be greatly reduced. Thank you.

PRIDEMORE: Thank you. Gerry Winters?

GERRY WINTERS: I don't wish to speak.

PRIDEMORE: Thank you, sir. Naomi Ferrerra Marian Teel?

NAOMI FERRERRA MARIAN TEEL: I'll forfeit.

PRIDEMORE: Jack Poutieney? Am I pronouncing that close?

JACK POUTIENEY: No.

PRIDEMORE: No, sir? Don Ginter?

DON GINTER: I concur with the fellow – Schumacher.

PRIDEMORE: Thank you, sir. Tom Hundis?

TOM HUNDIS: Pass.

PRIDEMORE: George Lowry? Lohry? Am I close?

GEORGE LOBEY: That's Lobey.

PRIDEMORE: Lobey maybe.

GEORGE LOBEY: Yeah, my name's George Lobey. I'm from Ridgefield. I have property on Map 5, Area 21. They have it tied in with the state school land there, which I don't believe they should have it tied to the state land because it's got altogether different numbers for AG land and forest land. And anyway, let's see here – I have 63.3% critical lands, and I have 34.77% prime AG land, and 2.26% prime forest land, and 70% severe erosion hazard in slopes. And I also have public water within 1,500

feet of my property, which the state land doesn't have. And so, 34.77% of my land is prime AG or forest land. That's about one third of it, or a little over one third. Two thirds of it is not prime AG or forest land and does not meet – I don't feel it meets the qualifications or the criteria for long-term commercial significance for growing capacity and productivity of the soil. And the state land has two times more land that is prime soil for forest and AG, and yet we're on the same – they put us in the same parcel – we're both Area 21. And we have – on Area 21 there is 5-acre rural parcels on all three sides of it, and then the fourth side has an area that's got...one narrow finger there that's got – it's a quarter of an acre – or a quarter of a mile wide. And then beyond that there's a whole lot more of rural 5-acre ground there. And the problem we have is people come in there on motorcycles, three wheelers and anything else and there's smoking, drinking, and it's pretty scary there. We can't keep people out of there. The state doesn't police their ground. And their ground adjoins ours and, anyway, it's not really a good place to have a forest land when you can't keep track of it. We're real concerned about fires there. And as far as the agricultural part of it, there's just no support around here for agriculture because you can't buy your seed, you can't buy your fertilizer, you can't buy anything within a hundred miles of here. You have to go a hundred miles away to get it. And it just doesn't have long-term significance for agriculture or forest production I don't think. And that's about all I've got to say. Thank you.

PRIDEMORE: Thank you, sir. Doug Hagedorn?

DOUG HAGEDORN: I'm here to speak on behalf of my mom, Barbara Hagedorn, and my brother Gary. We—

PRIDEMORE: We need just name and address.

HAGEDORN: – Oh, Doug Hagedorn, 36207 Lewisville Highway. And that's Yacolt. We do live in the Fargher Lake area. It's just a little ways away from here, but we're kind of in a tough situation. We have DNR property to the south of our parcels. We have totally 198 acres and we also are next to the, what's called the Fargher Lake Rural Center as well.

PRIDEMORE: I'm sorry, what?

BOB HIGBIE: I don't think – do you have – I don't think he has property –

HAGEDORN: Yeah. I'm probably not on the list. I don't know.

HIGBIE: Oh, okay.

HAGEDORN: Should I not be?

HIGBIE: Well, I –

MORRIS: Don't take a chance on it –

(Laughter)

MORRIS: – if you're not on the list.

PRIDEMORE: What's your – what's the property in the name of? Is it in Hagedorn?

HAGEDORN: Yeah, Hagedorn.

PRIDEMORE: Alright. So we don't have any of yours that are impacted by this decision?

HAGEDORN: No.

MORRIS: You might have been in the remand, but apparently the Staff has recommended no change for your property.

HAGEDORN: Yeah, we had sent a letter to the Department of Community Development and – requesting a change.

PRIDEMORE: You don't feel – he wasn't even on the original?

HIGBIE: I don't believe he was on the original.

MORRIS: So, you're talking about a change in a zoning issue unrelated probably to tonight's topic?

HAGEDORN: Probably. Should I –

PRIDEMORE: It might help to not confuse the issue if you could come in Tuesday morning or something to our regular hearing, or even send us a letter about the issue.

MORRIS: And that issue is in front of the Planning Commission. That's the next formal step in the process. So, you might want to take your case to the Planning Commission as well. And there are a series of open houses that are occurring right now in conjunction with the comprehensive plan.

PRIDEMORE: Oh, is that what this is regarding?

MORRIS: I think he's talking about a site-specific request for a comprehensive plan use change that's relevant to the new plan, not to this process.

PRIDEMORE: Oh okay.

MORRIS: And so that is something that is in the public arena right now, so you should take it to either a public forum or to the Planning Commission with your site-specific request.

PRIDEMORE: Public forums are being held now, the Planning Commission will be taking it in September, and it will be before the Board hopefully in November or December at the very latest.

HAGEDORN: Okay, thank you.

PRIDEMORE: Thank you.

MORRIS: And if you don't get anywhere with either of those places, come back to us in the end.

PRIDEMORE: Carol Levanen?

CAROL LEVANEN: Good evening. Carol Levanen, 17614 NE 299th Street, Yacolt, Washington. I, too, was on the Agri-forest focus group. Also, I've been active in citizen non-use issues since 1993 probably, maybe '92. When I first came with my son to see what kind of zoning our land was supposed to be put in – because our intention was to give land to our children for their heritage when we pass away – we saw that the land was designated for 40-acre zones in those areas and they were 2½-acre zones and 1-acre zones, and Alan is just a neighbor across the way that we can see and a number of those other properties that we're very familiar with up the road, down the road, across the way.

All of those lands are in 2½-acre zones. The land developed that was in those zones for a number of years, and the land developed that way for a number of years. Although, even though the lands were parcelized, people still lived a rural life simply because they were a little ways away from the urban areas and they chose that kind of lifestyle; living that way in the privacy of their 1-acre, 2-acre, 3-acre, 4-acre, whatever they had.

Our land, there wasn't even a 40-acre parcel in the property in our area, but – So we as citizens, and you're aware that I'm a member of Clark County Citizens United, got together. Many of us were so concerned because we felt that this was an injustice done to landowners, so we incorporated and formed a group of folks to try to do something about it. Talking with the Commissioners and going to all of the meetings, giving lots of testimony, and now it's gotten to this point. The 35,000 acres that was originally designated...much of it went back to the old zoning. We had the first Minority Report...and the reason we had the first Minority Report is because we were very well aware of a lot of the lands that were designated as 20 acres and 10 that were in the one-acre zone and very small acre-zones and simply didn't follow that criteria. But in some of those evenings when we were voting on the focus group we got outnumbered. And all reasoning went out the window. And so with that we felt that it would only be right and proper that we file a Minority Report with some objections to what had happened.

I'm not aware that in the first Minority Report that we got anything. I know John Karpinski mentioned about the "half-the-baby," or a compromise. I don't remember that the first Minority Report group was given any compromise. Basically, the Commissioners chose to follow the focus group recommendations. It may be that some of those lands were something that the second Minority folks didn't want to have

designated as such, but, nonetheless, the Commissioners pretty much followed the recommendations of the focus group.

Now then shortly after the first Minority Report, then came the second Minority Report, which John has referenced. And that second Minority Report was asking for additional acres that they themselves had decided that they wanted to preserve regardless of any other circumstances that were discussed during the focus group meetings. And then somehow the 35 acres – the 3,500 acres have come about by an appeal that John appealed to the Hearings Board – Washington State Hearings Board, and they ruled that the county needed to go back and look at those lands to see if indeed they were really resource lands.

I have studied all those papers that you have. I haven't had an opportunity to look at all the public testimony, but within that information that you've received I have – over and over again I'm trying to understand how the staff came about with deciding that these lands were appropriate for 40-acre zoning resource lands. I can think of many of the pieces of property that I'm looking at, that I'm very familiar with, and I'm saying I can't even imagine how anyone is going to conduct resource activity on there. Keep in mind that GMA from originally in 1993, regarding resource lands, have a whole new section for resource activity that can occur in rural lands. There's a very large section in there...it was a fairly new section added and I'm trying to remember...it might have been 1996 maybe, but use-specific criteria and specific approval of using resource in rural lands and that kind of activity is more than appropriate, they say in the GMA, and I'm sorry I don't have the references to the RCW's at this moment. I don't happen to have it with me.

So, that's a concern for me. Number 1, first Minority Report: We didn't get any concessions. Second Minority Report: filed an appeal. And we didn't file an appeal. We were thinking that we did compromise. We didn't get anything that we wanted, but the landowners were able to get at least their lands back to the old zoning that they were familiar with, which they bought their properties in, which they depended upon. And also some of the lands were designated in a more appropriate land in a 5-acre. No one got 2½ acres back, which we would have wanted. No one got, certainly not one of the 1-acre parcels. So, it's troubling to me that John feels that for some reason they've lost something out of that whole process, 'cause I don't believe that they have.

Let's see, I've got little notes here as I was just noticing – he made a comment about lands not near the urban areas and if you'll look on your maps – I mean I can look at those maps and tell you. One is right on the Yacolt city limits border. Another one is – say for instance, Alan's land is right there and would be considered a little settlement area with rail lines and stores and PUD waters and all those kinds of things. So, I see that a lot in these lands that are now considered to be – or are being considered to be called resource 40-acre zoned. The thing that really troubles me in this is – and I saw this through the 1993-94 paperwork from Staff and what I saw was “smoke and mirrors” information that truly did not indicate to anyone that knew anything about the area...I should back up. The information – if you didn't know anything about the area, you could assume that was what it was, because that was what was designated. And John references that the Staff calls it prime soils and so forth and I have looked at a lot of documents over what prime soil for agriculture and finally came up with what prime soil for forest

land is, and the only way you're going to know prime soils for forest land is to harvest the forest and find out what the quality of the trees are. Most people don't want us all doing that so we can find out whether or not we should be in a forest resource zone or not, and no one wants to really do that sort of thing. So, I think staff's criteria – I'm not quite sure if they've done their work in their information to you regarding the appropriate soils, prime particularly. In agriculture the GMA clearly indicates the most important criteria is prime soils, period. These other things then fall in place. After you have designated prime soils – and a lot of these folks are telling you, and clearly they are well aware of it as far as scientific data is concerned, that their land, very little of it, falls into prime agricultural soils. So, why this land would ever be indicated as such is – all I can figure is it must just be a personal vendetta of someone because none of it makes any sense to me. In all the research and all that I know and how much I've read the GMA over and over and over again...and I've read all kinds of resources on soils and harvesting and so forth.

So, that being said – Let's see if there is anything I missed here. Oh, I guess it's just a little bug in my side. When CCNRC files appeals, most of the time they lose, I'm sorry. Win once in a while, but most of the time they've lost, because we were against them in court seven times. We lost only once, and that was in front of the Growth Management Hearings Board. All of the rest of the actions we won.

So – and also a little comment someone made about DNR lands – and unfortunately we always think of DNR lands as being resource lands, quote – I mean that's resource lands. But certainly you're aware that DNR lands are in a number of other areas in the county, regardless if there's an urban area adjacent to it or not. It's interesting, DNR obtained those lands many years ago before urban cities grew and so forth, and a lot of those lands they're trading or they're wanting to sell, so I think seeing a piece of property sitting next to DNR land does not indicate that that's land that should be zoned as 40 acres, and kicked into along with the DNR land, because DNR may be in the process of selling it. I know there's a parcel, particularly, I think of DNR land that's just out of Battleground and they definitely want to get rid of that because it's just appropriate – it's just not productive DNR land for them. They're not interested in obtaining that. And I know a number of bee farmers will do that. They'll trade land with DNR so that DNR has something that makes good sense. So, hopefully no one's using that criteria as they're going through this.

So, all I can say is that I support the Planning Commission recommendations. I think they very carefully went through this. I think that the focus group, through many, many hours of volunteer work, went very carefully through this. I don't think that the landowners got what they were asking for, but nonetheless they were given something. I think CCNR Group got a whole lot more than, than we believe that they should have gotten. So, I think this appeal should have been considered frivolous, really, because I think the work in your documents and in your records show clearly that the process that occurred prior to this appeal was an appropriate process and there's no reason to make any changes at this time. So, I ask that you not make changes to these folks' land. I think you have other things that are probably more important with the update at the GMA and your urban areas now. Thank you very much.

PRIDEMORE: Thank you. I would suspect – I know that there's a lot of strong feelings about this, and a lot of folks we agree with. There's always the occasional person who may be in disagreement, so

we'd like to ask that we not applaud or boo folks, that everybody gets a chance to express their opinions. Do appreciate your support for the speakers. John Matson?

JOHN MATSON: Good evening Commissioners, fellow citizens. I'm John Matson from 11430 NE Ward Road. I don't have land involved in this proposal, but I do have – especially know what it is to grow up on a farm and be a farmer all my life. I've known Alan Schumacher for a long time and I can't say it a bit better than he did, and I hope that we would take it to heart what he said. Property rights are one of the things that has built America. If we don't think it has, then just go over to Russia, go over to Iraq, go to some of those countries, but property rights – when this country was set up, it was set up as “inalienable right.” That means it's un-liable. But, because of the socialistic government and somebody that wants a free ride and not to go out and work for a living, they decided to tax it. So, we don't have un-liable property anymore, so we don't even own it. We're just there paying taxes, and many people lost their land and – sad to say, but as Tom Armstrong said – I mean it's a shame – as important as this is, how few people they have here. But I can say I've been going to give up a long time ago, but I guess my Dad taught me some principles that right is right and you don't give up. And we've lost – we've been on a battle here on this Ward Road project for over 10 years and the County has been trying to wreck some farms – take some farm ground. We've beat the County on two proposals on the project. They're still trying to take property down here that's unnecessary and that's not going to do a thing for this little community. I'd just like to welcome all the people here and hope that these people that their land is being considered, don't get run over like some of us down here have, and like the people out where the – they put in the amphitheater. There was plenty of evidence that that wasn't a real prime project to be put in there because it doesn't build a solid economy. There's been a moratorium put over there so that the people can't build their houses on the land, which brings in income. If they've got a house or they've got jobs that build a solid economy, that businesses haven't been able to go in, and yet we can see what's happened when they've put that in there. So, I just hope that we would consider property rights and do to these people as we would have them do to us. 'Cause this is plain thievery. That's all it is. And it's not going to save Alan Schumacher's farm. You know, you go out there and raise a crop this year and try to make a – make a living. I know what it is to grow up on a farm and know that there's many times that we've got to go down and borrow money just to live on because there wasn't a crop this year, and hoping then maybe next year got a better crop to pay off the loan and make a little bit of money. But there's not money in farming to replace the investment. And unless – and if you run these guys out, and you've run a plenty of them out already, if Alan Schumacher – I mean he needs some money to operate, and this year he isn't going to get a very good – big crop. It got in late and he'll still have all the expense. But if he could sell off maybe 5 acres or 2½ acres down on the corner that's not feasible to really farm – it's corner...lot of creek – he could still have the whole farm and farm it. Now if you put this in...now he's going to have to sell off 20 acres or 40 acres, and that's not going to be a farm and it'll drive his farm off the county. So, it's going to do exactly what you guys claim you're trying to do is save the farms.

So we need to, you know, consider property rights and what built this country and the hard work that's been there. As far as the – Carol mentioned, she can't imagine why they designated some of this land, or why it was, but you know, a good example is right here in the front. They started out with 35,000 acres, now they're down to 3,500 acres. Well, they've got a lot of people satisfied – so, well, we've

got a pretty good deal, at least they – you know, they started out with 35,000, now they got 3,500 acres – well, they're getting their foot in the door and that's where they're going. And that's the agenda. It's a socialistic agenda and we can see it all over. A good example is California. It ought to be the richest state in the country. They're forty – what forty billion in the hole? In about four years and they was four billion surplus. And this is what goes when we don't respect the people that pay the bills, work hard. So, I would hope that we would consider that and – I know people are tired of – 'cause it seems like I've gone to a lot of these meetings and the agenda is made up even before it's even done. We've – people have spoken and all it is is a rhetoric that people say, "Well, we give them a chance to say something," but you can tell when the time comes for the decision and it's already been made.

So, I hope that we would consider – you know, that we would do unto others as we would have them do to us, and try to protect the property rights. If you drive around this county and see all this land that's being just, you know, growing to weeds and waste, it'd be better if there'd be a house out there on 2½ acres and people could live and they plant an orchard and maybe have a horse or a cow and a garden and produce something. A lot of it isn't even producing anything, 'cause you get bigger than 2½ acres and you can't afford to even buy a tractor to take care of it. It's too much. So, 2½ acres and a lot of it would take 1-acre pieces – I mentioned even before – you can go up in the Venisburg area and there's probably a lot of it that's an acre, and you don't even hardly know you have neighbors. They live in a park every day. And that's what we'd like. Good livable county, and we're not going to have it by building all the high-rises and forcing everybody down there and making big lots out here so there's no place for somebody to go. So just be fair to us out here. We've been working hard for many years, and somebody's going to have to take the ball sooner or later and there isn't very many that's willing to – I know there isn't very many that'd be willing to jump into Alan's shoes, do what he's done so that some of you guys can eat. Thank you.

MORRIS: I think it might be helpful to clarify where we are in the process at this point in time and I've got to tell I've been through this process so many times that I feel that I know each one of these parcels of land personally. There were originally 35,000 acres. This remand originally dealt with 3,500 acres. Staff went through all those 3,500 acres and for the vast majority of them, recommended no change. There are 95 parcels where – how many different ownerships was that Mr. Higbie? Do you recall? Or Ms. Scolnick?

BOB HIGBIE: Forty-something...total?

ELISE SCOLNICK: Thirty-five.

MORRIS: So, on most of those parcels, staff recommended no change at all. There are very few on which staff recommended changes. The issue went before the Planning Commission in March or April, and so the Planning Commission agreed with the staff recommendations on those that suggested no change. And the Planning Commission overturned the staff recommendation on all but one parcel. Am I correct? I think I counted...okay, two. There were two pieces where the Planning Commission forgot about or skipped or somehow or other got lost in the break. So, Commissioner Pridemore and I will have to deal with those tonight without a recommendation from the Planning Commission.

The Planning Commission recommendation in front of us today, with the exception of the two parcels, is to leave all the property in the zone that it was before the remand. So, for instance, the Planning Commission recommendation to the Board of County Commissioners is to leave Mr. Schumacher's property as it was before this last remand, and I believe that would be in 5's and 10's – I can't remember exactly, Mr. Schumacher. The Board's decision tonight will be to support or overturn the Planning Commission decision. So, we're not talking about a whole lot here of individual pieces. We're talking about a narrow amount and so far, again, the recommendation from the Planning Commission is to leave the parcels as they were previously zoned and not to convert them back to resource lands, with these two exceptions and with the two that they failed to address. So you know where we are in the process tonight, the Board will essentially be making a decision to either uphold or overturn the Planning Commission recommendations. So, when we move to deliberations we are most likely to speak in terms of a Planning Commission recommendation to us, rather than in terms of a fresh discussion about a given piece of property. It is the method that we consistently and historically use in this kind of a process. The issue really is the Planning Commission recommendation, which is leave almost all of the pieces as they were before the remand. I don't know if that helps or not, but it may be that for some of the people who are watching on television who have not kept up with this process and just didn't have anything else to do tonight, or whenever this reruns, it would be helpful for them to know where we are in the process as well. And it has been a very lengthy, long public involvement process. Thank you for the indulgence and I'd just like to echo what Commissioner Pridemore said. It is so instinctive for you to want to clap and applaud when you hear someone say something that you like, but if you would put yourselves on the other side and think to yourself, "what if I were the only one in the room who wanted to say what I want to say, and I knew that when I stood up at the podium people would jeer or boo me." And believe you me, there have been plenty of people who were private property rights advocates who have been in exactly that situation, where they were in the minority in the room and they know what that feels like.

ARMSTRONG: (comments inaudible)

PRIDEMORE: Mr. Armstrong, no...

ARMSTRONG: (comments inaudible)

MORRIS: We have not done it illegally, we are asking...Mr. Armstrong, it's my turn to talk, my turn, and I think everyone in the audience understands what I'm trying to say and I don't think you're helping your cause by interrupting me. We are not telling you that you cannot clap. We are asking you simply to show respect for what other people have as their opinion, and that is also a fundamental right – to have and express your opinion without intimidation. So, I just want to echo what Commissioner Pridemore said.

ARMSTRONG: (comment inaudible)

PRIDMORE: Mr. Armstrong, excuse me, I'm chair of the meeting and what we'll do is continue with our public testimony. If you want to get up again and testify further on this issue, we'd be happy take it. As Commissioner Morris said, we are asking that people show respect for each other. We have not told people that they cannot clap. Thank you, sir.

That was the end of the sign-up sheet and we would like to open it up for anybody else who would like to testify on this issue. Sir?

ALAN HANSEN: Commissioners. My name is Alan A. Hansen. My address is 17132 NE 259th Street. This issue doesn't really – for me or not 'cause you already did me in about six or seven years ago. I border with Alan Schumacher. I'm a full-time farmer, just like Alan. I have 160 acres...timber. I'm 53 years old, a Vietnam Veteran. My dad died in '85. I'm a Vietnam Veteran, back in '69-'70, helicopter crew chief, gunner. I've lost friends there. Here I am. My dad died in '85. We were in the dairy business. He was a well known person. And I took over. I drove (inaudible) for 10 years. My dad said – "you've got a life." My brother passed away in 1979. I'm the only one left. So, I took over the farm. Alan Schumacher is probably one of the best god- damned neighbor's there is. We've worked together. He taught me a lot of things. And here we are – now, my livelihood is done with. I'm already zoned in 20's, 40's. My health is going down the tube now. I'm paying all this insurance out and I've got to cut timber...more timber than I want to cut in my life. I plant trees; I don't get subsidized from it...no money. All I'm saying is Alan Schumacher...please let him survive. He's had enough heartache in his life and he's going through something I hate – living by yourself, working seven days a week. You try and buy equipment...mechanic...I'm sick of it. It use to be fun – farming and timber, planting trees, cutting trees – it used to be a lot of fun for me. Not anymore. I hate it. I've got to ship cattle all the way to the Dalles, Oregon. My truck....5 miles a gallon gas...I go up there, get whatever I get, come back. That's only a 12-hour trip....then come back and work. Like tonight, I came in for moral support for Alan Schumacher. Tonight I've still got to feed cattle. Gotta feed...30 bales of hay. Thank you.

PRIDEMORE: Sir, in the back.

BILL FLEMING: I'm the goat here. I'm the co-author of this 3,500 acres. I was on the...a member of the Rural Clark County Preservation Association. I was on the Ag forest...Bill Fleming is my name...can you hear me now? OK. Personally, I started going to the Ag forest or the forest and AG focus meetings...public groups...discussing parcels throughout the county to determine their viability as agriculture or forest. Those groups were almost totally dominated by property rights people or business interests that wanted to develop or had very little interest in maintaining rural character in Clark County or the resource space, particularly the north and east county. And so I'm a fifth generation resident of Clark County and have been living in rural county for all my life, except for short periods of time. In the last thirty years it's been decimated to a great extent, I believe, and you can do urban reclamation by bringing in bulldozers and backhoes and heavy equipment and tear it up and rebuild it to make it a viable community, but you aren't going to recreate rural lands. Those are God-given, or wherever they came from, and you get 'em once, use 'em up, and they're gone forever. And I believe there's a significant portion of this county that deserves to maintain some of that character. As we can see the urban

boundaries expand almost exponentially, particularly the Battle Ground area, it's – we're at risk of having anything left in another 30 years that would be within the classification of rural. And I mean one that's historical rather than 5-acre hobby farms or ranchette's with horses, or whatever. I don't consider that rural. Maybe a portion, or a small proportion, intermixed is appropriate. I think we need to consider not making a compromise. We need to consider the long-term. There've been compromises made throughout this whole process. I know you Commissioners held meetings and turned land back to the wishes of the speakers who express hardships, or whatever, and maybe some of those were appropriate, but I think many were not. I know even in the public hearings that we had were - public came in and testified and wanted to be included in the R5's and 10's instead of the resource designation. We even gave them back through our process where they made sense, or we had to. But, we aren't making anymore. I think the responsible growth forum has a good idea: that we look at the end gain and then work backwards. We need to think about...are we going to preserve some growth aspect or resource aspect for this county and how much, and let's keep it. The way the process works is that we're just incrementally destroying the whole thing in that regard. We're building houses like gangbusters and I use to work in that trade and I think there should be a building trade, but we don't need a Los Angeles from border to border. So, the idea of not considering a great deal of this 3,500 acres at this time I think is a mistake. I've got 20 acres that I wanted to put into resource land in this process, but it was decided by the group – the AG forest focus group – that it should be R10. I wanted it to be resource. I couldn't get it put in resource. I thought that quite ironic, but maybe you could do me a favor and do that now...I know that's a strange request, but...

MORRIS: You could make a site-specific request.

FLEMING: Well, I don't know if I can afford to go through the process (laughs). Anyway, this is all we've got and I hope – and by the way I am a tree farmer. I manage 50 acres and I had four parcels that I recombined into one large parcel 'cause I believe in what I'm talking about. I want to have a future for my child and hopefully her children, that they can experience a real life instead of an urban life. She may choose to go that direction and I can't do anything about that, but I know many people want to be tree farmers, but can't find the ground because of one reason or another it just isn't available. So many people are out here speculating our land and hoping that they can break it up and maximize their income. There's no guarantee in investments – I think the stock market has recently proven that – so I don't see how land purchases should be any different. There may be a greater cause here than just making money or the maximum amount of money. Anybody can sell a 20-acre parcel for a decent price now. It may not be the same as a 5-acre or 2-acre, but you can still make some decent income. Much more than probably anybody paid for it. So, you know, let's think of some sustainability here...some other lifestyles than just an urban one. I guess that's all I have to say.

PRIDEMORE: Anyone else wish to speak to the Board on this issue?

ARMSTRONG: I don't want to be a thorn tonight, but when you bring up clapping, both of you, you presented an error of prohibiting people to participate through clapping. I imagine clapping could be considered an expression of speech practically. For you two to make an issue out this when citizens put in the effort to be here and clap, and I would highly support anyone clapping for John Karpinski. That

would be great with me. I think if it was disruptive I could understand Betty and Craig saying that. But, I didn't see any disruptive clapping. I came from a city where the citizens ran down the streets and burned down the city. That was very disruptive. I like to see responsible citizens out expressing themselves. But for you to bring it up you're treating us almost like kindergarten students here, telling us not to clap. I don't like to hear that, and please in the future, in public meetings, if there's clapping in an organized respectful way please don't say anything.

MORRIS: Thank you, Mr. Armstrong. That is routine for us. We always ask that people are respectful and try to restrain their emotions, but Mr. Armstrong clearly generated yours again tonight, but it is routine for us to ask for people to show that respect during a public hearing. You certainly were not singled out.

ARMSTRONG: (comments inaudible)

MORRIS: You know, it might be, but as a general rule if people are not egged on, they are more than willing to abide by those rules. I don't really want to have a debate with you about this. I'm just suggesting that this is routine.

PRIDEMORE: Thank you, Mr. Armstrong. Is there anyone else who wishes to speak to the Board on this issue?

SUSAN RASMUSSEN: Hi. My name is Susan Rasmussen. I live at 30301 NW Charity Road, La Center. I have lived out there for over 20 years. About 10 years ago, I was before another Board of County Commissioners requesting that they rezone our 112-acre dairy farm on NE 299th. We pleaded with them that we were in jeopardy of losing the farm because we needed to upgrade our manure system that was not quite two years old and that we had put \$100,000 of borrowed money into; this was a system designed by the Federal Government. Two years later, it was obsolete and we needed financing and we couldn't get it. So, we wanted to sell off as little of the property as we could. Historically, that's how farmers and ranchers have financed things that needed to be done – new crops to put it, pieces of equipment, a major repair, a new building. That is historical throughout the country, I believe. Well, I went – and I want to be brief – I went before the Western Growth Management Hearings Board and I went before Mr. Lowry here and I pleaded with them that this was not a commercially viable farm; that we were in real jeopardy of losing it. During our struggle, our lien holder, which was Farm Home Administration, put the farm up for sell and by federal regulation they had to offer it to first-time young farmers. During this period, not one farmer came to look at the farm to buy. Even despite their incentives to attract first-time young farmers – I believe this is program still going on – Farm Home Administration couldn't find anybody to approach to buy it. Since then, the Farm Home office has moved out of Clark County. I think they moved about 11-12 years ago to Centralia because their office did so little business here. To make a long story short, we could not get the property rezoned and that meant that we had to sell it off in 20-acre increments. We let it go back to Farm Home and the Federal Government proceeded to divide it up into as little increments as possible, which was 20 acres, and they proceeded to auction it off. However, due to an act by the Federal Government that was first initiated, I believe, during the Depression to protect farmers and ranchers from being moved off of their

property – because it is a very economically hazardous income – they enacted the Homestead Preservation Act and because of that Act, we could remain on our farm for a maximum of 10 years and rent it back from the Government. It was stipulated that we could only rent back 10 acres maximum, but here we were in a 20-acre zoning. I find it kind of ironic that the Federal Government, years ago, could see to give options to farmers regarding their land, but our local county government can't. So, we had that option of renting back 10 acres; however, I had to go back to Jerri Bohard and plead for a variance. I went to Centralia many times and said "hey, we are in 20-acre minimums. I've gone there before. They're very adamant about keeping it in 20-acres." She said, "Well, if that's the case we cannot budge and you'll have to move." So, I did research on the Homestead Preservation Act. I approached Jerri Bohard, told her we would have to move off the farm if this was not done. In a week's time that variance was granted by the county. I find it ironic that I went before them several years ago pleading that we were in jeopardy of losing it if that wasn't done and the Federal Government could get it done in less than a week's time. It's not equal treatment for everybody. I'm appreciative that they did that, but still it's not equal treatment. You need to recognize this commercial viability issue. You need to recognize why the farmers have been migrating out of the county. In 1984, there were 86 commercial dairy farms. Today, there are less than 9. Very few of them are family operations. Why have these farmers moved out? Where are all these new farmers supposedly coming from to buy all this agriculture-designated land? Whom are we suppose to sell this land to? You cannot condemn the farmers to a life of poverty. It's going back to the futile surf system. You need to give them options. If there's development that has already occurred there, there's plenty of water, then what's the harm in allowing houses? The time to have saved the AG land was 20 years ago. It's too late. The state needs to be concerned in helping the farmers east of the mountains because this just isn't the climate for farming here. My father purchased 20 of the acres at auction that was part of our dairy farm and he has tried, despite his 86-year-old years, has tried to make some kind of an income, but this property has been nothing but an open checkbook for him. He now wishes to have it into houses like the adjoining property. So, that's why I'm here before you today on his behalf and for the rest of the property owners in Clark County that wish to do the same. He's 86 and all of the labor has to be hired out. The land has no water on it. When the Federal Government took it back, they kept the water rights. I've called the state and there is a ten-year waiting list for water rights to irrigate. And if I'm so lucky to get them, I can only irrigate up to half an acre of the 20. Why is this commercial farmland? You cannot make a living on dry land. That is a stated fact that's known for years in this county. Consequently, this 20 acres has just drained my father of his money. It needs to be in houses. If he were, there is PUD water along 299th and I talked with them at length and they were quite helpful. It will cost between \$62,000 to \$65,000 dollars to punch in a four-inch mainline to carry water up the hill across the property to irrigate with, and that doesn't include a pump station to get it up there. And then, from what the state told me, I think I can still only irrigate half an acre of the 20. So, without water this is not farmland. I can just about say that for any farm in the county. I saw Rich and a couple of the county people at a meeting in La Center several of months ago and he remembered me and Jerri discussing the Homestead Protection Act, and he asked if I had any of the research work that I did on it. I did find it and brought it tonight. It's 8 or 10 years old now. I don't know what the current farm bill states on it. I don't know if it's a 5-acre maximum or 10-acre still, but I spend days at the library researching this. Everything in this document is true and can be verified at the Farm Home Administration office in

Centralia. If there's any other questions that you need answered on this, give me a call. I'd be glad to discuss it with you. Thanks. Thank you for coming out here tonight.

PRIDEMORE: Is there anyone else who wishes to speak to the Board on this issue? Anyone else wish to speak to the Board? Sir?

BRIAN FRASIER: Brian Frasier. I live at 22637 NE 83rd Street. I just wanted to say I think that the zoning – your not creating any increase in value of the land and decreasing it, as evidenced by the fact that through the lady that was just speaking, nobody wanted to buy their farm. I've seen no shortage of people willing to trade 30 years or more of their labor for five acres or less. I think that if you're ruling against the people who have the land now, who have large quantities of it – if you're ruling against them, you're ruling against the people who would like to have a small piece. Thank you.

PRIDEMORE: Anyone else before we close public comment? Very well, we'll close public comment on the 3,500 Acre Remand issue and would you like to take five minutes? We'll take five minutes and get some fresh air. We'll be right back.

[SHORT BREAK]

PRIDEMORE: Okay, good evening again folks. We're going to continue now with the public hearing and move onto deliberations regarding the 3,500 Acre Remand issue. Commissioner Morris, I guess I would suggest that we follow a process similar to Planning Commission, and deal with the ones where the Planning Commission and the staff agreed, first. Are there any of those that you wanted to change their recommendations?

MORRIS: No, I'm perfectly content with the Planning Commission recommendations on all of those.

PRIDEMORE: There was, and actually, Bob or Elise, I'm going to ask you...because I didn't mark down on the sheet...there were a couple that the Planning Commission had recommended, with staff, that subsequently – there's additional information. Which were those?

HIGBIE: I believe those were on map 1, area 9.

SCOLNICK: (Inaudible)

PRIDEMORE: So, in this case the Planning Commission –

MORRIS: Excuse me, the numbers again

SCOLNICK: Map 1, Area 20 – The Hamlin Brothers Lumber Company; Samuel K. Deleusch; and F.L. and Shirley Goodwin.

PRIDEMORE: – As I recall from the Planning Commission record, they had recommended supporting staff's recommendation to change those zones and my recollection of the justification, at least on a couple, was that nobody had complained.

MORRIS: Nobody had testified.

HIGBIE: (inaudible)

PRIDEMORE: Was that all three of those?

HIGBIE: Yes.

PRIDEMORE: Then I would like to look specifically at those because I think there needs to be more justification for the decision than simply that nobody testified.

MORRIS: Now, you said just a second ago though that there was new information. Is there new information on these?

HIGBIE: I don't believe we received anything.

MORRIS: Okay.

PRIDEMORE: I think – and I'm trying to recall something on this in the newspaper – that somebody had now come forward. I know that's something –

MORRIS: Do you know who that was?

HIGBIE: I do not.

MORRIS: And then we had the two areas that the Planning Commission jumped over.

PRIDEMORE: Yeah.

HIGBIE: Regarding the recommendations for no change, staff recommended that the Planning Commission make its single motion to adopt first.

PRIDEMORE: I think that's what we're going to do too. I just want to deal specifically with the ones that they seem, from what I saw, to base their decision on there not being any testimony.

HIGBIE: The newspaper article listed Mr. Goodwin as the individual of those three that the Planning Commission recommended approval of a rezone to. It is not one to be for a rezone.

PRIDEMORE: This is the lowest in percent of soils; has wetlands issues; severe erosion hazard.

MORRIS: I think this is the one – isn't this one of the one's where Cary was saying he wanted to protect the habitat. He said that often, but I think it was the only time he prevailed.

HIGBIE: Yes, he was the one who did significant amount of talking on those issues. He was also the one who mentioned that having heard testimony to the contrary from the applicant may avoid...(inaudible).

MORRIS: Yeah, that's what I thought, but I can't go right to that.

PRIDEMORE: Where's this at? On the Map 1...I don't see an Area 8.

SCOLNICK: Map 1, Area 20. It's on the far right side of the map.

PRIDEMORE: So, this is one that does have some neighboring forest land, but it also has a lot of rural 5's surrounding it. In fact, one of the parcels has rural 5 on three sides. The other two, at least in combination, have rural 5 on two sides. In the proposal – in the original was currently rural 10 and the proposal is to move to forest – 40.

SCOLNICK: Right.

PRIDEMORE: How do you evaluate that severe erosion hazard, Bob? Is that a –

HIGBIE: That's usually a slope issue combined with erodable soils.

PRIDEMORE: So, we'd consider that an argument in favor of AG forest designation?

HIGBIE: No, but you look at the forest soil classification for soil type.

PRIDEMORE: So, in your notes here it also has that the existing land use – the Assessor's record says it's un-used and cleared.

HIGBIE: That's what – we found – of anything on that list, we found, for land use purposes in that particular column, to be unusually un-useful for land use purposes. I'm sure it had a great deal of use for assessment purposes.

MORRIS: One of these says motocross – two of these say Motocross. What do you mean by that?

SCOLNICK: There appears to be a motocross on the property. There's a lot of trails and if you look at the aerials...probably informal.

MORRIS: But there's not much forest cover.

SCOLNICK: Do you want to see the aerials on the overhead?

MORRIS: No, I mean if you can see them with aerials, there's not much forest cover. Covering up, right?

SCOLNICK: That's just on one property.

PRIDEMORE: The larger AG parcel has – looks like about 50%...2000 photo.

SCOLNICK: There's actually a right-of-way that goes through there as well – a BPA right-of-way it looks like.

LOWRY: These also are not apparently in current use.

PRIDEMORE: Well, I think that just on these three, that I think the Planning Commission didn't consider in this area, the rural 10 designation still seems a reasonable one to have.

MORRIS: I agree 100%. In fact, I think forest here two is stretching it a long way and the only thing you have to justify that is the prime forest soils...and there's actually in the record some indications from – I believe Ms. Levenan presented at the very first Planning Commission Hearing some discussions about timber production and prime soils and new kinds of rating systems and later on I'll talk more about any potential for any resource land anymore, but I agree with you that I would be happy to overturn the Planning Commission on this and go back to –

PRIDEMORE: This might not be a bad time for you to do some of that, Commissioner Morris, because I was going to put on what is viable – if you've got an erosion hazard, is that a good thing to keep trees there or does it simply preclude the ability to find trees? You know that whole industry a lot better than I do.

MORRIS: Well, we didn't have a lot of testimony tonight on the timber industry, but I was last Saturday – as I always am – at the Clark County Farm and Forester's picnic. Rich Carson, our Community Development Director, and Jim Vandling, our Forester, was there as well; and I got there a little bit too late to see the tour that they had on riparian habitat issues and steep slope issues. But the parcel that we had the picnic on was 600 – it's a full section of 620 acres. Is that correct? Six-hundred and forty. And not only do the Revesa's manage that piece of property, but they also manage the sister-in-law's adjacent section. So, they have 1,280 acres and by the time you take out any of the steep slopes and any of the new restrictions on riparian zones and you take into account the new water typing that's just about to come out that's going to say that there's only two kinds of streams in the universe – one is either non-fish bearing or one is fish bearing and has potential to be fish bearing – out of that 640 acres of 1,280 acres, the amount that is not available for forest is just amazing, especially when you talk about the fact that this is not an annual crop. This is a 70-year crop. So, when it comes time to cut the timber – if you can't cut it, you don't get another crop out of that and what you are working with is a significantly reduced parcel. So, from the standpoint of new state regulations, new state concerns over fish and wildlife and erosion control and road building and culvert replacement and a whole lot of other

things, it's hard for even 1,280 acres to be commercially viable, and I'll get into my diatribe on commercially viable in just a minute, but I think these kinds of statistics are much more telling in terms of the productivity than the amount of prime – what we call – prime timberland. And I'm going to say something to you – you know, when we do classifications, we look at spreadsheets for numbers and historically the role and the testimony of the people who are professionals in this area who farm and who raise timber, hasn't had the kind of significance that it ought to have. And we've got great testimony in the record for this round of hearings. I thought Ms. Rasmussen's was spectacular this evening at the end to talk about it. Steep slopes, erosion, streams, potential streams, riparian habitat, wildlife – all of those things are really that relevant in how and whether or not you can make either timber or AG commercially productive.

PRIDEMORE: I think on this Area 20, in terms of the Planning Commission recommendations, we are saying that we are going to support all of the Planning Commission's recommendations with the exception of Map 1, Area 20, which we find that the indicated area is appropriate for R-10. Is there more clarification you need in terms of justifications for that?

LOWRY: No, that should be adequate. I assume at the end of your deliberations, you will be instructing us to go back and put together...

PRIDEMORE: I think what I want to do is do this as we move through it...those are the directions and so –

LOWRY: Well, what I would recommend is that at the conclusion you actually continue this hearing to a date certain so you could continue to deliberate on – and make sure we put together what you want.

PRIDEMORE: Sure, yeah, and I agree with that. I just wanted you to – for these recommendations, this is the direction. Okay, then we'll move onto the areas where there was disagreement from the Planning Commission and staff that first was Area 9, Map 1.

SCOLNICK: That's Map 2, Area 21 and Area 22.

PRIDEMORE: I was going through the list of this spreadsheet. You had Map 1, Area 9...was 3 to 2 against staff recommendation.

MORRIS: I think you're right. You're using the right approach, Commissioner Pridemore, because we'll get to the one's, if you're working off of that sheet, that say "no vote was taken" and we can deal with them at that time.

PRIDEMORE: That's where I was hoping to go. Alright, so on Area 9, Commissioner Morris, you want to start it?

MORRIS: Well, I don't know how much you need us to go through each one of these pieces specifically, but there was testimony in the record from the Juha's talking about the commercial viability

of this land as forest and the Planning Commission overturned the staff recommendation for (inaudible) I want to go with the Planning Commission. In fact, I want to go with the Planning Commission where he overturns staff on all of those. So, if we can labor through those one-by-one, if that's necessary –

PRIDEMORE: I don't think we need to labor on them. I think where there's areas – and I'll just say at the outset, I'm inclined to agree with you on that –

LOWRY: One approach, if you are generally in agreement with the deliberations of the Planning Commission, is to simply direct us to come back with a findings document that reflect the –

PRIDEMORE: – discussions that they had?

LOWRY: – yes.

PRIDEMORE: Then it might be – and, Rich, I'd ask you about this – that is my inclination and it sounds like Commissioner Morris' –

LOWRY: We may come back to you with some questions on some of them if we a struggle with any of those.

PRIDEMORE: And it would be – I think it would be appropriate tonight that if there is one – one's that you don't feel the Planning Commissioner record is prepared to –

LOWRY: I'm not we're prepared to tell you that tonight.

PRIDEMORE: – Well, then, let's –

MORRIS: Well, there were some of them where the Planning Commission discussion was weak, but –

PRIDEMORE: That was my sense and so I was thinking we'd walk through them and strengthen those –

LOWRY: I'm sure we're prepared though to – I think it would be more efficient if we could have the time to actually go through, prepare findings where we can and then identify (inaudible) that we think there may some additional analysis that's needed.

PRIDEMORE: Okay. Does that work?

MORRIS: That works real well for me and there's no reason for us to belabor if we don't have to. I do want to make sure that we have a record that is sufficiently documented that we're not going to lose this one again.

LOWRY: I'm very concerned about that also so I want to spend adequate time putting together a findings document that is very dependable.

PRIDEMORE: Very good. Alright, so we'll move onto the issues that were not (inaudible) and that would be Map 2, Area 21, which the Planning Commission inadvertently skipped.

HIGBIE: I would like to say, right off the top, that there were two – Mr. (inaudible) and the (inaudible), all provided a lot of written testimony that it's in the record, but also testified at the hearings with some information that probably better makes there case's than some that you've already indicated you support. So, I think the record is pretty strong on those.

MORRIS: It was just a case of the Planning Commission having skipped them and us not seeing discussion in the Planning Commission record on these two particular pieces of property. But they did testify?

HIGBIE: Yes. I guess another way I could say that is that I don't think that we would have trouble coming up with findings to support the direction that we think you're going in.

PRIDEMORE: Basically, if we agree with the Planning Commission on all of these others, it pretty logically suggests where these would be at. Both cases of this I would agree that I think they should stay as Rural 10, I believe was the proposal. So, if you've got the record for that I suppose we don't need to belabor the point and keep people later.

HIGBIE: In Exhibit C they're indicating that there isn't – go ahead.

SCOLNICK: There is a summary of issues that were testified to in Exhibit C and so those are listed (inaudible) and it summarizes the testimony of (inaudible).

PRIDEMORE: Yeah, and that's fine if you guys are comfortable with that, and that said –

MORRIS: And that's pretty stinging testimony that the riparian buffers leave him only seven-and-a-half out of thirty-eight acres. That's pretty stunning that he can actually grow and harvest timber on.

PRIDEMORE: Commissioner Morris, you haven't had a chance to present your information. If that's the case, we're finished.

MORRIS: Well, I have comments I want to make. I've been winding up for this, so if I might –

[LAUGHING]

PRIDEMORE: Please –

MORRIS: Well, in reading the record I was – I was almost amused to read Senator Tallmadge in the Redmond decision – he was at that time Justice Tallmadge, he’s now a candidate for Governor – suggest that in GMA, entitled 36.70(a), the term “AG Land” is a term of art. He’s flat wrong. The Senator – or the past Justice – was a Senator when GMA was passed, and I was a representative when GMA was passed, amended and amended and amended again. We knew what we were talking about. It wasn’t a term of art. What we meant in terms of designating resource lands were large areas, vast areas of land that could not only grow timber and commercial traditional farm crops, but they could also support industries, spin-off industries, so that it was an industry that could be kept alive and would not be lost. And we have seen repeatedly that there are none of those support industries and that there are none of those spin-off industries that remain in this county. We have had adequate testimony that there are no equipment sales places; there are no grain or feed stores. So, AG Land was not a term of art. The intent of the local GMA – of our GMA – differs from Oregon’s because Oregon’s was a statewide land use planning effort that designated thousands of acres for resource use across the state. It’s very clear that there are areas of this state that are primarily devoted to resource uses and those are in the eastern part of the state, but we have taken this discussion to mean that every single county is suppose to have some sort of an AG or a timber industry. But, you know what? In our new and emerging economic development strategy, we don’t even pay lip service to AG or timber. We’re focused on office parks and high-tech. So, we’re not even paying attention to it. I was just astounded to read that comment from then-Justice Tallmadge, that somehow or another AG Land was a term of art. It is not a term of art to someone who is trying to produce a crop, whether it’s timber or hay or blueberries or corn or anything else. And it’s not a term of art in zoning. In zoning it’s very specific. We draw lines around it and we say what you can and you can’t do on it. It is not a term of art. It is a term of specificity. Now, there are differences between what is called AG Land by Comp Plan designation or zoning, and what are AG uses and what is called AG Land or Timber Land Current Use, and those things have gotten confused. Repeatedly, we have had expression from Mr. Karpinski that somehow or another if you are in a resource current use tax designation, that that automatically means that you are commercial viable and that’s just not the case. Of all of the agricultural activity that occurs in this county, a full fifty percent of it occurs off of lands that are called AG lands. And of all the AG Open Space or AG Current Use designations that we have in this county, fifty percent of it is off of AG zoned lands. When we discuss and we set standards for Current Use Tax Designation for timber – and my memory was refreshed in reading this record and this discussion from our original Agri-forest deliberations – we’ve been through what we think qualifies as a timber current use, and you hardly have to make any money off of it at all – ever, ever, ever. You don’t even have to produce very marketable crops in order to get that current use tax status. So, it’s important when we discuss these things to distinguish between AG Land, AG Uses, and AG Current Use Tax designations. Those things have gotten confused in this discussion from the very beginning. And there sure is more to AG land than what you read on these nicely colored spreadsheets – there’s a lot more to it than that. I want to talk about the theory, again, of preservation of resource lands and for whom and for what are we preserving it. That is really key. I was – Ms. Rasmussen, you gave me information tonight that I’ve been wondering about for a very, very long time. Just how many young people are there around here who want to be farmers? I don’t see very many. Our graduates who go from high school and go onto a higher education...there just aren’t very many of them who want to go into AG. There’s a very small percentage and if they do, they don’t come here. And I don’t know that we’ve been decimating our

resource land so much as we have been experiencing what is a normal kind of transition in the way we use land culturally.

MAN IN THE AUDIENCE: Right on.

MORRIS: You know small parcels of AG land can be very, very productive. In fact, there's nothing in GMA that says you have to have a twenty-acre minimum for AG land. There are counties in the state that have five-acre minimum zones. So, it doesn't necessarily say that you have to have these large parcels. The point was that if you had large masses of land – if you had thousands of acres that were in agricultural production, you would designate those as agricultural lands in your comprehensive plan, but what you zoned minimum lot size certainly is not designated there. It just meant that you intend for that to be – agriculture to be the primary use there. You don't really intend for it to be a subdivision. So, I'm – on a purposeful reason, what are we doing this for? Are we doing it for posterity? Are we doing it for long-term food production? Most of the food we buy isn't from here. Do mean that Ms. Rasmussen is supposed to stay on her land when she can't get water to it, and when she gets told repeatedly that she has to re-do her sewage ponds – her manure ponds? We are at cross-purposes with ourselves with this industry on the west side of the state because we just can't preserve all of the things that we want to preserve, and at the same time preserve resource lands that are suppose to be commercially viable in the kind of topography and the kind of geography that we have. The east side of the state is different. They don't have those same kinds of problems. They have water irrigation problems primarily, but they don't have all these steep slopes, they have all this irrigation, they have all these riparian zones. They have a different thing. From my perspective, it is time for the farmers, through the Farm Bureau, and the small timber growers, through the Farm Forestry Association at the State, to take this issue to the legislature and say "it's time to talk about commercial viability because we get all these people making definitions about it except you, who are suppose to do it." It's time for that to happen now. I've been beating this commercial viability drum for a long, long time and perhaps this testimony in many regards has demonstrated to us what the true circumstances are, at least in this county. Mr. Karpinski made reference to DNR, but I think one of the things that's noteworthy is that DNR didn't just go out and hand pick the land that it owns to buy for the purpose of growing trees. Doug Southerland was a speaker at Rotary the other day, and he talked and gave some interesting history on how DNR got custody of these lands. Some of them they owe and those were – those are owned lands through a land grant, some from the federal government and some from the state. But many of these they manage in trust for other jurisdictions. There's only one or two counties in the state that manage their own timberlands; most of those are managed by DNR. And there are a great number of timberlands that are owned by school districts, and that those school districts' timberlands are not managed by the school district, but by DNR. So just because DNR manages a green and owns it doesn't mean they went out there and they hand picked it and, therefore, they are the experts on it. What we see is evidence to exactly the contrary; that DNR itself is saying, "our responsibility is indeed to handle our lands for the highest and the best commercial productivity we can get because that's the way we raise money for the schools and for the jurisdictions and for the state, and that is our obligation under the law." And we have very good testimony here, in writing, that these parcels, irrespective of their size or their location or anything else, aren't any good for them for commercial production in order to fulfill their mission. So, I

don't think that DNR is someone to be looked at as scants. I think that they are the experts in this field and they're somebody that we ought to take very seriously.

We hadn't done the Forest and Fish Agreements. The state had not done the Forest and Fish Agreements when GMA was passed. And those Forest and Fish Agreements were a product of the listing of the (inaudible). And those Forest and Fish Agreements were crafted by a large number of very big commercial timber owners who owned thousands and thousands and thousands of acres in single areas, as we see ownership in it – far west side or east side of our map where you see the very, very dark stuff. Those people can afford to leave things alone for a while until this flurry passes. But a small timber grower cannot. And the small timber growers were represented at that Forest and Fish Table, and they – they kind of got the best that they could get under the circumstances, but the cards were pretty much stacked against them. And so what they wound up with was a compromise that gave them what they thought was going to be some kind of certainty, but now even that certainty doesn't exist anymore because we're about to reclassify all of our stream types, and that's going to make it much more difficult.

Frankly, in terms of habitat protection, if – if people want to protect habitat, it's probably better off if it's in residential zoning because if it's in residential zoning, there are all kinds of local environmental ordinances that come into play to protect that habitat and those wetlands and everything else. So, the fact that you've got it in a resource designation is no guarantee in the least bit that you're going to be protecting any kind of wildlife habitat.

It is again, in my mind, just time for us to pay attention for – to the people who do this for a living. We say to our planners, "You are planners. You do this for a living. We need to listen to what you say." Well, we need to listen to what folks who work on the ground say too. And for a very, very long time we've dealt with spreadsheets like this. And I hope that when this hits the Hearings Board again, and if there is appeal, that the new members of the Hearings Board will take the time to read the record, and to read this kind of testimony, and – Mr. Lowry, if we're the ones who actually prepare the limited number of documents that they do read, could we be very selective in what we send and make sure that we send some of the significant testimony along with what we've heard tonight that's been submitted in writing, or when – when the record is actually recorded, and I notice we don't have a court reporter with us tonight.

PRIDEMORE: Yeah.

MORRIS: But I'm assuming that someone's going to –

PRIDEMORE: Judie's job.

MORRIS: Yeah, I know, but I think somebody's going to do a typed transcript of this. I hope so. Commissioner Pridemore, thank you for letting me get this out. It's been – it's been bothering me for a very, very, very long time. And I do think that we have driven people crazy, not only in this county, but

certainly in Snohomish County and other counties as well. It's just time for the legislature to deal with this realistically. Thank you.

PRIDEMORE: Well, I think it – and let me surprise some people and say that on a lot of those issues, I agree with you very strongly. There is the – a serious question – I mean, you've hung your hat on the commercial viability issue for a long time. I think – I think – I don't think that's the right tool to approach this challenge with. But your comments about Oregon land-use laws are extremely accurate. When they did growth management in the early 1970's, they did it at the incur—the demand of farmers who had thousand, two thousand-acre farms and they were getting encroached on by subdivisions, so they demanded the State do something. And they did that. They did that while they were still all of these huge farms out there. And if you drive out – outside the urban growth boundary of metro, you see those – a lot of those farms are still there today and some of them are being happily farmed, and some of them a little less happily farmed, now that there's other – other options. Clark County didn't do that. The State of Washington didn't do that. I don't know if it was Rasmussen, or Carol, which of you were – were talking about the fact – I'm not sure it wasn't Betty Sue's on – on the – the fact that this – there is – to some extent the horse has fled Clark County. We just look at these maps and all of the rural 5's that are out there already. These are not places where we're going to preserve agriculture, and even in those areas where we do, it's somewhat dubious. That – that style that Oregon – of land-use planning that Oregon adopted in the 70's has been hailed around the country. It's been copied around the country, include – including the State of Washington, largely. It is not realistic in addressing the needs of this state.

There are reasons, however, to still keep agriculture as – as an issue, or if not agriculture, then certainly large lots. I think the agriculture's important to retain in some context in the county, because there are people who are always going to want that lifestyle. And they're going to want the 20-acre farm or the 40-acre farm and try to turn a – a profit and those sorts of things, and I think preserving that is important, and in the preserving the buffer areas around that so that the subdivisions are – even the cluster subdivisions don't move in with a bunch of Yuppies, who then say that they are tired of the smell of horses. We need to address that issue.

The really large issue with the lot sizes and what's happened in Clark County is really evident as we're going through now and expanding the urban growth boundaries. CREDC says they want all of these large-lot parcels to make available for these – exactly the kind of economic development things that you're talking about. We don't have them. It is very difficult to move that urban growth boundary and find a 100-acre or a 200-acre parcel. That's an extreme challenge. And we can say well, that's not our problem, that's somebody else's issue. It actually is our problem. It's happening right now. We are – have very strong deficit in those kinds of economic development potentials. And in large part, because of the parcelization that's happened historically, we have very few of those opportunities to take advantage of today. So it's something that we do have to take into account, and if there's a way we could figure out – to address those kinds of issues for the future, I think that's the way to hang our hats. And if we can work together on that, I think we can put something together that everybody, both urban and rural, could appreciate.

I wanted to specifically address something Mr. Schumacher said about the compensation issue for the land takings that have happened. I – I am in full agreement. I don't think we should – It – it was a terrible process the community went through in 1994. This is, contrary to what Mr. Matson would like to believe, not something that the commissioners woke up one morning and said, "What's – what do you want to do today? I know let's go out and down-zone some land in the rural area." That's not what happened. This is a continuation from the same 1994 process, and we're trying to get through it and put that behind us.

That having been done, there is something that this community, again urban and rural, should start dealing specifically with. How do we go about compensating landowners for the loss in property values? And I'm not talking about the actual taking of land, but when you lose use of it, how do we compensate? One of the things that's being pushed forward now by a group is – and – and I'm not a supreme champion of this, but I kind of like the outcome of it, is a conservation REET that would be used to compensate property owners. Whether that – and it'll go to the voters; it's something that people will have to decide – to me that is something that rural property owners should get behind so that when you lose property values because of, particularly riparian zones and those kinds of areas, that those urban Yuppies would like to preserve, you get paid for that loss. And that's the fair way to do it. That's the American way to do it. And I think we need to look hard at those kinds of tools. Yeah, it's a tax increase, but it's something that's paying for the benefits that all of us enjoy. I floated, I think – not just over the years – but before I ever became a commissioner I recognized there was some real fundamental weaknesses in the Growth Management Act that need to be addressed. And I think, hopefully, when we get through this update process, we can start to address them. And a lot of that is the fairness issue and a lot of other things, and I think it would get to that agricultural issue and the parcelization issue and all those other things. So that's something –

MORRIS: I agree with everything that you said, Commissioner Pridemore, but I wouldn't mislead this audience to believe that the proposed conservation real estate excise tax is going to compensate very many people, because in order to pass that tax, there's a matter of statute. You have to have already picked out the parcels, and that doesn't leave anything left over for anybody else, and the amount of the tax doesn't buy many parcels, so I don't want anybody misled to think that that is a source of revenue.

PRIDEMORE: Yeah. And I – I appreciate that.

MORRIS: That's going to compensate –

PRIDEMORE: Yeah. And it's –

MORRIS: – two of you in this room.

PRIDEMORE: Yeah, you're – you're quite right, and so I didn't mean to – (inaudible) to suggest that that is the type of tool that we need to pursue if we're going to compensate and deal with these issues fairly. That's how we build a better community. Anything else, Mr. Lowry?

MORRIS: Then we need a motion to uphold the Planning Commission recommendations, with the exception of Area – what was it? Where we overturned them...

PRIDEMORE: Map 123, wasn't it?

MORRIS: Yes, one –

PRIDEMORE: Do – do you need a motion, Rich, or you just – do you just need the direction?

LOWRY: We don't really need the motion, other than instruction to staff to come back with and exposed resolution reflecting your deliberations.

MORRIS: You know, for the peace of mind of people who are out there, and for closure, I'd like us to do a motion.

LOWRY: That's fine.

PRIDEMORE: Okay.

MORRIS: So I would move that we uphold the Planning Commission recommendations on all parcels with the exceptions of Area 20, those parcels owned by Hamlin Brothers, Deleusch and Goodwin. There are three of them there, and that we – on the parcels where there was no Planning Commission recommendation – Map 1 –

HIGBIE: Map 2?

MORRIS: Wasn't it Map 1?

LOWRY: Map 2, Areas 21 and 23.

MORRIS: – that we overturn the staff recommendation and leave those as currently zoned as Rural 10's –

PRIDEMORE: Got it all?

MORRIS: – And to direct staff to do written findings.

PRIDEMORE: I second the motion. It's been moved and seconded to – to do as Betty Sue said.
[Laughter] All those in favor?

MORRIS: Aye.

PRIDEMORE: Aye. Opposed? Motion passes. That being our business tonight, this meeting is adjourned.

BOARD OF COUNTY COMMISSIONERS

Craig A. Pridemore/s/
Craig A. Pridemore, Chair

Betty Sue Morris/s/
Betty Sue Morris, Commissioner

Judie Stanton, Commissioner

ATTEST:

Louise Richards/s/
Clerk of the Board

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